

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, APRIL 27, 2000**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Judith W. Downer, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Peter F. Murphy, Jr., Springfield District
Ilryong Moon, Commissioner At Large
Ronald W. Koch, Sully District
John M. Palatiello, Hunter Mill District
Linda Q. Smyth, Providence District

ABSENT: Laurie Frost Wilson, Commissioner At-Large

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The meeting was called to order at 8:18 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Kelso stated that more time was needed for the applicant to meet with the community. He therefore MOVED THAT THE PUBLIC HEARING ON RZ-1999-LE-044 AND FDP-1999-LE-044, CARL H. RICHMOND, JR., BE DEFERRED TO A DATE CERTAIN OF JULY 13, 2000.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Wilson absent from the meeting.

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KINGSTOWNE GOLF CENTER (Lee District)

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION FIND THAT PROFFER CONDITION 10B OF PCA-C-448-16 HAS BEEN SATISFIED BY THE MATERIALS SUBMITTED HERewith AND APPROVED, AND THAT THE ZONING PERMIT REVIEW BRANCH BE NOTIFIED OF OUR FINDINGS.

Commissioners Alcorn and Byers seconded the motion which carried unanimously with Commissioner Wilson absent from the meeting.

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RESTON TOWN CENTER, PHASES II AND III (Hunter Mill District)

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE DEPARTMENT OF PLANNING AND ZONING THAT THE ARCHITECTURAL AND LANDSCAPE PLANS FOR RESTON TOWN CENTER, PURSUANT TO RZ-85-C-088 AND DPA-85-C-088, BE APPROVED.

Commissioners Alcorn and Byers seconded the motion which carried unanimously with Commissioner Wilson absent from the meeting.

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ORDER OF THE AGENDA ITEMS

Secretary Harsel set the following order for the agenda items:

1. SE-99-L-044 - BEST INDUSTRIES, INC.
2. RZ-1999-LE-069 - JOHN BATAL
3. SE-00-P-002 - WEST*GROUP PROPERTIES LLC
SEA-97-P-077 - WEST*GROUP PROPERTIES LLC
SEA-97-P-064 - WEST*GROUP PROPERTIES LLC
7. RZ-1998-PR-027 - HEARTHSTONE VANGUARD JOINT VENTURE
FDP-1998-PR-027 - HEARTHSTONE VANGUARD JOINT VENTURE

This order was accepted without objection.

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SE-99-L-044 - BEST INDUSTRIES, INC. - Appl. under Sect.9-618 of the Zoning Ord. to permit an increase in FAR on approx. 37,300 sq. ft. of land zoned I-5 located at 7639 Fullerton Rd. . Tax Map 99-1((4))38A. LEE DISTRICT. PUBLIC HEARING.

William C. Thomas, Jr., Esquire, with Fagelson, Schonberger, Payne & Deichmeister reaffirmed the affidavit dated April 5, 2000. There were no disclosures by Commission members.

Commissioner Kelso asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed, therefore Chairman Murphy closed the public hearing and recognized Commissioner Kelso for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-99-L-044 BY BEST INDUSTRIES, INC., SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DISTRIBUTED LAST NIGHT AND DATED APRIL 24, 2000.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn, Koch, and Palatiello not present for the vote; Commissioner Wilson absent from the meeting.

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RZ-1999-LE-069 - JOHN BATAL - Appl. to rezone from R-1 to R-3 to permit residential development at a density of 2.69 du/ac on property located on the S. side of Hooes Rd., approx. 50 ft. E. of its intersection w/Neuman St. on approx. 2.24 ac. Comp. Plan Rec: 2-3 du/ac. Tax Map 90-3((1))18B. LEE DISTRICT. PUBLIC HEARING.

H. Kendrick Sanders, Esquire, attorney for the applicant, reaffirmed the affidavit dated November 2, 1999. There were no disclosures by Commission members.

Ms. Tracy Swagler, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Sanders explained that the applicant's proposal was a basic infill development and that no waivers or modifications were requested. He offered to answer any questions.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no comments or questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Kelso for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-1999-LE-069, BY JOHN BATAL, SUBJECT TO THE APPROVAL OF PROFFERS CONSISTENT WITH THOSE IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn, Koch and Palatiello not present for the vote; Commissioner Wilson absent from the meeting.

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SE-00-P-002 - WEST*GROUP PROPERTIES LLC
SEA-97-P-077 - WEST*GROUP PROPERTIES LLC
SEA-97-P-064 - WEST*GROUP PROPERTIES LLC

April 27, 2000

SE-00-P-002 - WEST*GROUP PROPERTIES LLC - Appl. under Sect. 9-620 of the Zoning Ord. to permit a waiver of certain sign regulations on property located at 1550 Westbranch Dr. on approx. 5.39 ac. zoned C-3. Tax Map 29-4((7))1A1. (Concurrent w/SEA-97-P-077 & SEA-97-P-064.) PROVIDENCE DISTRICT.

SEA-97-P-077 - WEST*GROUP PROPERTIES LLC - Appl. under Sects. 9-607 & 9-620 of the Zoning Ord. to amend SE-97-P-077 for an increase in bldg. height & land area to permit a waiver of certain sign regulations on property located on the S. side of Jones Branch Dr., approx. 500 ft. W. of Westbranch Dr. on approx. 7.93 ac. zoned C-3. Tax Map 29-4((7)) A2 pt. (Concurrent w/SE-00-P-002 & SEA-97-P-064.) PROVIDENCE DISTRICT.

SEA-97-P-064 - WEST*GROUP PROPERTIES LLC - Appl. under Sects. 9-607 & 9-620 of the Zoning Ord. to amend SE-97-P-064 for an increase in bldg. height to permit a waiver of certain sign regulations on property located at 7916 Westpark Dr. on approx. 5.00 ac. zoned C-3. Tax Map 29-4((7))4. (Concurrent w/SE-00-P-002 & SEA-97-P-077.) PROVIDENCE DISTRICT. JOINT PUBLIC HEARING.

Mr. Thomas Fleury, with West Group Management LLC, reaffirmed the affidavit dated March 31, 2000. There were no disclosures by Commission members.

Ms. Cathy Lewis, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Fleury spoke about the changes in Tysons Corner in the past few years and how it was more of an urban center than ever before. He said that the installation of streetscaping and other amenities made it difficult for businesses to maintain visibility and identification and that the applicant was therefore requesting waivers for new signage. He noted that the applications were in conformance with the Comprehensive Plan and compatible with the intent of the design standards of the urban center.

Mr. Fleury responded to questions from Commissioner Downer regarding West*Group's future plans in Tysons Corner and from Commissioner Byers regarding the size and location of the proposed new signs. Mr. Fleury pointed out that the signs would not face any residential area.

SE-00-P-002 - WEST*GROUP PROPERTIES LLC
SEA-97-P-077 - WEST*GROUP PROPERTIES LLC
SEA-97-P-064 - WEST*GROUP PROPERTIES LLC

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In response to a question from Commissioner Smyth, Ms. Lewis said that the proposed signs could be placed either on penthouses or rooftops. Mr. Fleury said that West*Group was not proposing any penthouse signs at this time.

In reply to Commissioner Moon's question, Ms. Lewis said that this was not the first set of applications requesting sign expansions in Tysons Corner.

In reply to Commissioner Moon's inquiry, Commissioner Smyth said that her support of these applications was based on the merits of the proposal itself as well as on the lack of opposition from citizens groups.

At Commissioner Smyth's request, Mr. Fleury displayed a photograph of the proposed location with a computer added image to represent the new signs.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no further comments or questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Smyth for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE-00-P-002, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 26, 2000.

Commissioners Byers and Kelso seconded the motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote; Commissioner Wilson absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SEA-97-P-064, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 26, 2000.

Commissioners Byers and Kelso seconded the motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote; Commissioner Wilson absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SEA-97-P-077, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 26, 2000.

SE-00-P-002 - WEST*GROUP PROPERTIES LLC
SEA-97-P-077 - WEST*GROUP PROPERTIES LLC
SEA-97-P-064 - WEST*GROUP PROPERTIES LLC

April 27, 2000

Commissioners Byers and Kelso seconded the motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote; Commissioner Wilson absent from the meeting.

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RZ-1998-PR-027 - HEARTHSTONE VANGUARD JOINT VENTURE -

Appl. to rezone from C-2 & R-1 to PDH-4 to permit residential development at a density of 3.22 du/ac & approval of the conceptual development plan on property located on the W. side of Hunter Mill Rd., approx. 250 ft. N. of its intersection w/Chain Bridge Rd. on approx. 18.93 ac. Comp. Plan Rec: 1-2 du/ac w/an option for 4.0-4.5 du/ac and a max. of 95 dwelling units. Tax Map 47-2((1))19, 20, 21, 22, 24, 25 & 27E pt. (Concurrent w/FDP-1998-PR-027.)
PROVIDENCE DISTRICT.

FDP-1998-PR-027 - HEARTHSTONE VANGUARD JOINT VENTURE

- Appl. to approve the final development plan for RZ-1998-PR-027 to permit residential development on property located on the W. side of Hunter Mill Rd., approx. 250 ft. N. of its intersection w/Chain Bridge Rd. on approx. 18.93 ac. zoned PDH-4. Tax Map 47-2((1))19, 20, 21, 22, 24, 25 & 27E pt. (Concurrent w/RZ-1998-PR-027.)
PROVIDENCE DISTRICT. JOINT PUBLIC HEARING.

Robert Lawrence, Esquire, with Reed, Smith, Hazel & Thomas reaffirmed the affidavit dated April 24, 2000. There were no disclosures by Commission members.

Mr. Peter Braham, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the applications.

In response to a question from Commissioner Alcorn, Mr. Braham stated that the proposal met the pedestrian access recommendations in the Comprehensive Plan by providing sidewalk connections along Miller and Hunter Mill Roads, including the completion of an off-site section and a pedestrian crosswalk on Hunter Mill Road. In addition, he noted that there would be an internal pedestrian system to connect to the roadside sidewalks.

Mr. Lawrence recounted a brief land use history of the subject property. He noted that this current application proposed 61 homes with a 3-acre site dedicated for a library, a traffic signal, stormwater management, two access points, thereby providing an

appropriate transitional use. He noted that traffic generation would be less than if by-right development occurred. Mr. Lawrence stated that the application was in accord with the site specific recommendations in the Comprehensive Plan.

Mr. Braham and Ms. Judith Anderson, Deputy Director, Library Administration, responded to questions from Commissioner Palatiello regarding the proposed library site.

Mr. Braham responded to additional questions from Commissioner Palatiello regarding the internal circulation plan and the lack of a connection between Hunter Mill Road and Miller Road.

Commissioner Smyth noted that the Oakton Transportation Task Force had submitted a report in July of 1999 recommending against such a connection.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

The following individuals spoke in support of the applicant's proposal. As their reasons, they cited the applicant's willingness to restrict access to Miller Road, thereby eliminating cut-through traffic and to donate land for a much needed library, as well as the other amenities to be provided, such as a traffic signal with a crosswalk and a pedestrian circulation system.

1. Peggy Alpin, 2965 Oakborough Square, Oakton
representing Oakborough Square HOA

A copy of Ms. Alpin's statement is in the date file. In response to a question from Commissioner Alcorn, Ms. Alpin confirmed that she was opposed to a connection between Hunter Mill Road and Miller Road through the subject property.

2. Barbara Glover, 2971 Oakborough Square, Oakton

A copy of Ms. Glover's statement is in the date file.

3. Conrad Egan, 3014 Miller Heights Road, Oakton
4. Bob Cave, 2940 Miller Heights Road, Oakton
representing Miller Heights Neighborhood Association
5. Norman St. Louis, 2725 Glencroft Road, Vienna
representing Oakton Glen HOA

A copy of Mr. St. Louis' statement is in the date file.

6. Pam Lucas, 2910 Oakborough Square, Oakton
7. Jane Seeman, 600 Blackstone Terrace NW, Vienna
representing the Library Board Planning Committee

10. Linda Byrne, 10509 Hunter Valley Road, Vienna
representing Oakton Women's Club
12. Frank Sturgeon, 2787 Hill Road, Oakton
13. Shelley Slaey, 3064 McKinnon Way, Oakton
14. Cliff Claggett, 2900 Oakborough Square, Oakton
16. John Collins, 10312 Mystic Way, Oakton
representing Hunterbrook HOA
17. Barbara Mella, 2826 Oakton Manor Court, Oakton
representing Oakton Manor Association
19. Miriam Howser, address unknown

The following individuals spoke in opposition to the applicant's proposal. They objected to the density proposed and suggested a special tax district to purchase the property and preserve it as parkland. Concern was also expressed about stormwater management.

8. George Lehnigk, 3019 Oakton Meadows Court, Oakton
representing Options for Oakton

In response to questions from Commissioner Smyth, Mr. Lehnigk acknowledged that the County Attorney's Office had determined that a special tax district could be created for park purposes, but not for the library. He disagreed with that interpretation, however, maintaining that a library was a public building and public buildings were among the uses for which a tax district could be established. He added that another way to achieve the same purpose would be for the applicant to donate the land for the library.

9. Ralph Tener, 10427 Marbury Road, Oakton
11. Shirley Nasser, 10908 Miller Road, Oakton

In response to a question from Commissioner Hall, Ms. Nasser said she supported a park without ball fields. Commissioner Hall pointed out that it would be difficult, if not impossible, to restrict the park in that manner, given the location of the subject property and the great need for ball fields by youth groups.

15. Robert Adams, 3008 Weber Place, Oakton

Mr. Adams responded to questions from Commissioner Byers about the Comprehensive Plan recommendations for the subject property and the Plan Review process.

Commissioner Palatiello commented that asking for a special tax district at this point in the process, when a rezoning was nearing completion, was poor timing.

18. Peter Montanino, 2920 Gray Street, Oakton

There being no further speakers, Chairman Murphy called upon Mr. Lawrence for a rebuttal statement.

Mr. Lawrence stated that all stormwater management issues had been addressed and that the applicant's plans would be subject to the review of County engineers during the subdivision plan review process. He reiterated the road improvements proposed and noted that the Oakton Transportation Task Force supported the applications.

Mr. Braham had no closing staff comments.

Commissioner Smyth announced her intention to defer the decision on these applications.

There being no further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Smyth for a deferral motion. (Verbatim excerpts are in the date file.)

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON RZ-1998-PR-027 TO A DATE CERTAIN OF MAY 4, 2000, WITH THE RECORD TO REMAIN OPEN.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Wilson absent from the meeting.

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The meeting was adjourned at 11:06 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Gloria L. Watkins

Approved on: January 25, 2001

Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission